

## Agricultural Marketing Service, USDA

## § 1210.320

other way to place or cause watermelons to which one has title or possession to be placed in the current of commerce. Such term shall not include the transportation or delivery of field run watermelons by the producer thereof to a handler for grading, sizing or processing.

### § 1210.308 Handler.

*Handler* means any person (except a common or contract carrier of watermelons owned by another person) who handles watermelons, including a producer who handles watermelons of the producer's own production. For the purposes of this subpart, the term "handler" means the "first" person who performs the handling functions.

### § 1210.309 Person.

*Person* means any individual, group of individuals, partnership, corporation, association, cooperative, or other entity.

### § 1210.310 Fiscal period and marketing year.

*Fiscal period* and *marketing year* mean the 12 month period from January 1 to December 31 or such other period which may be approved by the Secretary.

### § 1210.311 Programs and projects.

*Programs* and *projects* mean those research, development, advertising, or promotion programs or projects developed by the Board pursuant to § 1210.331.

### § 1210.312 Promotion.

*Promotion* means any action taken by the Board, pursuant to the Act, to present a favorable image for watermelons to the public with the express intent of improving the competitive position of watermelons in the marketplace and stimulating sales of watermelons, and shall include, but not be limited to, paid advertising.

### § 1210.313 Research.

*Research* means any type of systematic study or investigation, and/or the evaluation of any study or investigation designed to advance the image, desirability, usage, marketability, production, or quality of watermelons.

### § 1210.314 Importer.

*Importer* means any person who imports watermelons into the United States as a principal or as an agent, broker, or consignee for any person who produces watermelons outside of the United States for sale in the United States.

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### § 1210.315 United States.

*United States* means each of the several States and the District of Columbia.

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## NATIONAL WATERMELON PROMOTION BOARD

### § 1210.320 Establishment and membership.

(a) There is hereby established a National Watermelon Promotion Board, hereinafter called the "Board." The Board shall be composed of producers, handlers, importers, and one public representative appointed by the Secretary. An equal number of producer and handler representatives shall be nominated by producers and handlers pursuant to § 1210.321. The Board shall also include one or more representatives of importers, who shall be nominated in such manner as may be prescribed by the Secretary. The public representative shall be nominated by the Board members in such manner as may be prescribed by the Secretary. If producers, handlers, and importers fail to select nominees for appointment to the Board, the Secretary may appoint persons on the basis of representation as provided in § 1210.324. If the Board fails to adhere to procedures prescribed by the Secretary for nominating a public representative, the Secretary shall appoint such representative.

(b) Membership on the Board shall be determined on the basis of two handler and two producer representatives for each of seven districts in the contiguous States of the United States. Such districts as hereby established have approximately equal production volume according to the three-year average production as set forth in the USDA Crop Production Annual Summary Reports for 1979, 1980, and 1981. They are: